

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:23-CV-24299-MORENO

MARIA ELENA CHAVEZ LETONA,

Plaintiff,

vs.

AMOR DE JESUS, CORP.,
SWEET LIVING FACILITY INC.,
JOSE MACHADO,
ZELMIRA QUINONEZ, AND
AMINTA QUINONEZ,

Defendants.

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RENEWED MOTION FOR DISCOVERY HEARING

Plaintiff, Maria Elena Chavez Letona, by and through her undersigned counsel and pursuant to this Court's Order [ECF No. 42], hereby requests that the Court convene a hearing before the Magistrate Judge assigned to this case regarding ongoing discovery disputes between the parties, and as grounds states as follows:

1. On January 8, 2024, Plaintiff served her first Interrogatories and Requests for Production on Defendants Amor De Jesus, Corp. ("ADJ"), Sweet Living Facility Inc. ("SLF"), Jose Machado, Zelmira Quinonez, and Aminta Quinonez.
2. In Plaintiff's First Interrogatories to ADJ and SLF, she requested that they disclose:
 - a. All persons with knowledge of relevant facts or discoverable matter;
 - b. Plaintiff's dates of work, position/job title(s), rate(s) of pay, method of payment, tasks performed, and where they were performed;

- c. Each type of document that ADJ and SLF made, kept, or preserved relating to Plaintiff's work;
 - d. Each person who worked for ADJ and SLF from February 1, 2020 to August 8, 2023, including each person's name, dates of work, position, daily work schedule, and status as employee or independent contractor;
 - e. All documents signed/completed by Plaintiff regarding work performed for SLF and ADJ; and
 - f. Who from ADJ and SLF would provide Plaintiff with her work schedule, coordinate her work days/hours, and how that information was communicated.
3. In Plaintiff's First Requests for Production to ADJ and SLF, she requested that they produce:
- a. Plaintiff's pay records from February 1, 2020 through August 8, 2023;
 - b. Plaintiff's personnel file;
 - c. Documents that ADJ and SLF provided to Plaintiff concerning her work;
 - d. Logs signed/completed by Plaintiff;
 - e. Correspondence and documentation of communication between ADJ/SLF and Plaintiff;
 - f. Documents signed by Plaintiff;
 - g. Documents reflecting Plaintiff's job performance;
 - h. Contracts/agreements between ADJ/SLF and all patients cared for by Plaintiff;
 - i. Contracts/agreements between ADJ/SLF and the payors of all patients cared for by Plaintiff;

- j. Logs or other documents in which Plaintiff documented activities performed for ADJ and SLF;
 - k. Text messages exchanged with Plaintiff from February 1, 2020 through August 8, 2023;
 - l. Bank statements for ADJ and SLF;
 - m. Documents identifying all persons who worked for ADJ and SLF; and
 - n. Documents identifying all Administrators of ADJ and SLF.
4. On February 9, 2024, Defendants served Plaintiff with their Responses to Plaintiff's First Interrogatories and Requests for Production.
5. ADJ and SLF failed to respond fully to the above Interrogatories and Requests for Production, as detailed in the undersigned's email to Defendants' counsel attached hereto as "Exhibit A."
6. Despite ADJ and SLF's requirements as employers and assisted living homes operating within the State of Florida to maintain most of the requested information and documents under the FLSA, FMWA, Fla. Admin. Code Ch. 59A-36, and Fla. Stat. §§ 429.01-429.55, ADJ and SLF failed to disclose/produce the requested information and documents without providing any valid objection.
7. The undersigned attempted to confer with Defendants' counsel by email on March 5, 2024 regarding Defendants' failure to fully and adequately respond to Plaintiff's First Interrogatories and Requests for Production, requesting that Defendants serve Plaintiff with Supplemental Responses to cure such deficiencies. *See id.*

8. The undersigned again attempted to confer with counsel for Defendants on March 12, 2024 regarding Defendants' deficient discovery responses, to no avail. *See* Plaintiff's second conferral attempt, attached hereto as "Exhibit B."

9. As of the date of this Motion's filing, Defendants have neither attempted to cure the deficiencies to their discovery responses, nor have they provided Plaintiff with any justification for the same.

10. The undersigned office has conferred with the office for Defendants' counsel regarding their availability for a discovery hearing to address the parties' discovery disputes.

11. The parties are available to conduct a hearing before the Magistrate Judge assigned to this case on May 9, 2024, beginning at 10:00 a.m. or as soon thereafter as possible.

WHEREFORE, Plaintiff respectfully requests that the Court convene a discovery hearing before the Magistrate Judge assigned to this case to address ADJ and SLF's deficient Responses to Plaintiff's First Interrogatories and Requests for Production.

CERTIFICATE OF CONFERRAL

I HEREBY CERTIFY that the undersigned has conferred with counsel for Defendants who does not oppose the relief sought in this motion.

Respectfully submitted this 8th day of April 2024.

s/ Patrick Brooks LaRou
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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed through CM/ECF this 8th day of April 2024, which will serve Emmanuel Perez, Esq., LAW OFFICE OF EMMANUEL PEREZ & ASSOCIATES, P.A., 901 Ponce De Leon Boulevard, Suite 101, Coral Gables, Florida 33134, perez@lawperez.com, as *Counsel for Defendants*.

s/ Patrick Brooks LaRou
Patrick Brooks LaRou, Esq.